

ORIGINAL

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF TEXAS 2013 MAY 29 AM 10:03

DALLAS DIVISION

DEPUTY CLERK

In re Letter of Request from the
Bacau Law Court of Romania;
Matter of Chitescu Alexandra Maria v.
Chitescu Marian Tiberiu

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No.

3 - 13 MC - 0.72 - D

APPENDIX TO APPLICATION FOR ORDER PURSUANT TO TITLE 28,
UNITED STATES CODE, SECTION 1782

EXHIBITS

Appendix
Pages

1. Letter Rogatory, Bacau Law Court, Romania..... 001- 006
2. Commissioner's Subpoena, Sample 007

Respectfully submitted,

SARAH R. SALDAÑA
UNITED STATES ATTORNEY

/s/ Stephanie N. Toussaint

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CERTIFICATE OF NO SERVICE

I hereby certify that on May 29, 2013, I filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas. Because the request seeks an ex parte appointment of Stephanie N. Toussaint as a commissioner for purposes of gathering evidence for a foreign tribunal, the document was not served on any other party.

/s/ Stephanie N. Toussaint

STEPHANIE N. TOUSSAINT

Special Assistant United States Attorney

COMISIE ROGATORIE

**Cerere de asistență judiciară internațională pentru aplicarea
Convenției de la Haga din 18 martie 1970 asupra obținerii de probe
în străinătate în materie civilă sau comercială.**

N.B. În temeiul art.4, alineatul 1, comisia rogatorie trebuie să fie redactată în limba autorității solicitate sau însoțită de traducerea efectuată în această limbă. Totuși, mecanismul de la alineatele 2 și 3 ale articolului 4 poate permite folosirea altor limbi. Pe de altă parte se cere, pentru evitarea confuziilor, scrierea cu litere a cuvintelor care figurează în date.

I. (Mențiunile acestui capitol figurează în orice comisie rogatorie)

1. Expeditor - (identitatea și adresa):

JUDECĂTORIA BACĂU cu sediul în BACĂU, STR. OITUZ NR. 20,
JUDEȚ BACĂU, ROMÂNIA

2. Autoritatea centrală a statului solicitat - (identitatea și adresa):

MINISTERUL JUSTITIEI AL STATELOR UNITE ALE AMERICII

**3. Persoana căreia trebuie înapoiate actele - (identitatea și adresa)
de constatare a executării cererii**

d-nei grefier LOVIN EMILIA, JUDECĂTORIA BACĂU cu sediul în
BACĂU, STR. OITUZ NR. 20, ROMANIA

II. (Mențiunile acestui capitol figurează în orice comisie rogatorie)

**4. În conformitate cu articolul 3 al Convenției, solicitantul subsemnat
are onoarea de a prezenta cererea următoare:**

5. a. Autoritatea judiciară solicitantă (art.3, a) - (identitatea și adresa)

MINISTERUL JUSTITIEI ȘI LIBERTĂȚILOR CETĂȚENEȘTI

**- Direcția Drept Internațional Cooperare Judiciară și Afaceri
Juridice Externe, cu sediul în:**

România, București, str. Apollodor nr. 17, sector 5

b. autorității competente a - (Statului solicitat)

(art.3, a)

- STATELOR UNITE ALE AMERICII

**6. Identitatea și adresa părților și reprezentanților
lor (art.3, b)**

- IV. Care este **venitul lunar net** primit de pârât la societatea **FLUOR CORPORATION 6700 LAS COLINAS BLVD, IRVING, TX 75039, USA** ; dacă venitul pârâtului a înregistrat fluctuații în ce privește cuantumul acestuia de la data angajării și până în prezent, să se menționeze cât a încasat pârâtul cu titlu de salariu sau indemnizație în fiecare lună, de la data angajării și până în prezent.

11. Documente sau obiecte de examinat (a se specifica dacă trebuie prezentate, (art.3, g) copiate, evaluate, etc.):

- este necesară prezentarea contractului de muncă al pârâtului (sau orice alt document similar) încheiat cu societatea angajatoare **FLUOR CORPORATION 6700 LAS COLINAS BLVD, IRVING, TX 75039, USA** , în vederea examinării de autoritatea competentă.

12. Cerere de a lua depoziția sub jurământ (În caz că nu se poate lua depoziția sau prin afirmație și, la nevoie, indicarea sub forma cerută, a se preciza dacă formulei de folosit (art.3, h) autoritatea solicitată poate lua depoziția în forma prevăzută de dreptul intern) -----

13. Forme speciale cerute (art.3, i și 9) -----

14. Cerere de notificare a datei și locului de executare a cererii, a identității și adresei persoanei/persoanelor de informat (art.7)

**15. Cerere de asistență sau de participare a -----
magistraților autorității solicitante la -----
executarea comisiiei rogatorii (art.8) -----**

**16. Specificarea scutirilor sau interdicțiilor -----
de a prezenta probe prin legea statului -----
solicitant (art.11, b) -----**

**17. Taxele și cheltuielile rambursabile în -----
temeiul art.14, alineatul 2 și al art.12 (identitatea și adresa)
vor fi plătite de -----**

IV. (Mențiunile acestui capitol figurează în orice comisie rogatorie)

18. Data cererii 29.06.2012

Translation from Romanian

LETTER ROGATORY

Request for international judicial assistance to implement the Hague Convention of 18 March 1970 on the taking of evidence abroad in civil or commercial matter.

N.B. Under the article 4, paragraph 1, the letter rogatory has to be written in the language of the requested authority or accompanied by the translation into that language. However, the mechanism of paragraphs 2 and 3 of Article 4 may allow the use of other languages. On the other hand it is required, in order to avoid confusion, the writing in letters of the words containing data.

I. (The mentions of this chapter are registered in any letter rogatory)

1. **Sender** - (identity and address):

BACAU LAW COURT, with the headquarters in Bacau, OITUZ STREET, No. 20, Bacau County, ROMANIA

2. **Central Authority of the requested State** - (identity and address): MINISTRY OF JUSTICE OF THE UNITED STATES OF AMERICA

3. The person who should receive the papers back - (identity and address) of ascertainment of application execution.

To Registrar Mrs. LOVIN EMILIA, BACAU LAW COURT, with the headquarters in Bacau, OITUZ STREET NO. 20, ROMANIA

II. (The mentions of this chapter are registered in any letter rogatory)

4. In accordance with Article 3 of the Convention, the undersigned applicant has the honor to submit the following application:

5. a. Requesting judicial authority (Article 3, a) - (identity and address) **Ministry of Justice and Civil Liberties**

- **International Law Division Judicial Cooperation and Foreign Legal Affairs, with the headquarters in:**

Romania, Bucharest, Apolodor street no. 17, district 5

b. competent authority a - (requested State)

(art.3, a)

- UNITED STATES OF AMERICA

6. Names and addresses of the parties and their representatives (Article 3, b)

a **Plaintiff: CHITESCU ALEXANDRA MARIA**, residing in Bacău, Șoimului Street, nr. 14bis, bl. B, sc.A, ap. 5, Bacau County, Romania

- *through representative, lawyer Diaconu Marcela*

b. **Defendant CHITESCU TIBERIU MARIAN**, residing in Bacau, Letea street, no. 14/C/14, Bacau County, Romania

c. Other parties

7. Nature and purpose of the application and summary of the facts (Article 3, c):

- Plaintiff **CHITESCU ALEXANDRA MARIA** took legal action against the defendant **CHITESCU MARIAN TIBERIU** so that the Court could order the defendant to pay an based on the defendant's income and on the plaintiff's needs.

8. Instruction documents or any other documents to present (article 3, d)>

- It is necessary to proceed to verification of the labor contract or any other similar document of the defendant regarding his incomes at the company Fluor Corporation 6700 Las Colinas Blvd, Irving, TX 75039, USA. in this regard, we will discuss with the legal representative of the employer.

III. (The mentions of this chapter are registered according to the necessity)

9. Identity and address of person to be examined

(Article 3, e)

10. Questions to ask or facts on which the above-mentioned persons must (or see Appendix) be heard (Article 3, f)

This letter rogatory is made to answer the following questions:

I. Date when the defendant was hired at the company Fluor Corporation 6700 Las Colinas Blvd, Irving, TX 75039, USA

II. If the defendant is hired for a definite period, you should communicate when does his labor contract expire at the company Fluor Corporation 6700 Las Colinas Blvd, Irving, TX 75039, USA;

III. If the defendant is hired for definite period, you are kindly asked to mention it;

IV. What is the **monthly net income** received by the defendant from the company Fluor Corporation 6700 Las Colinas Blvd, Irving, TX 75039, USA; if the defendant has income fluctuations from the date of employment up to the present, you are kindly asked to mention how much did the defendant receive as salary or compensation each month, from the date of employment up to the present.

11. Documents or objects to be examined (specify whether to be presented, (article 3, g) copied, valued, etc..)

- the presentation of the defendant's labor contract (or any other similar document) concluded with the employing company Fluor Corporation 6700 Las Colinas Blvd, Irving, TX 75039, USA, is necessary in order to be examined by the competent authority.

12. Request to take testimony under oath (In case you cannot take testimony or by statement and, if necessary, indication of the requested form, specify whether to use formula (article 3, h) requested authority may take testimony in the form provided by law) _____

13. Special forms required (Article 3, i and 9) _____

14. Request for notification of the date and place of execution of the request, the identity and address of person / persons to be notified (Article 7)

15. Request for assistance or participation of the requesting authority's magistrates to the execution of the Letter Rogatory (Article 8) _____

16. Specification of exemptions or interdictions to present evidence under the law of the requesting state (art. 11, b) _____

17. Fees and reimbursable expenses pursuant to art. 14, paragraph 2 and art. 12 (identity and address) will be paid by _____

IV. (The mentions of this chapter are registered in any letter rogatory)

18. Date of application June, 29, 2012

19. Signature and stamp of the requesting authority

Stamp: Romania, Bacau Law Court, Bacau County

Illegible signature

COMMISSIONER'S SUBPOENA

UNITED STATES DISTRICT COURT

DISTRICT OF _____

TO: _____

I, Commissioner _____, an Assistant United States Attorney for the _____ District of _____, acting pursuant to an Order of the District Court and under the authority of Title 28, United States Code, Section 1782, for the purpose of rendering assistance to _____, command that you appear before me in Room _____, in the building located at _____, in the city of _____, in the state of _____, on _____, 200_, at _____ a.m./p.m., to provide testimony/documents regarding an alleged violation of:

the laws of [COUNTRY], namely, [major violation or violations], among other alleged violations,

and that at the time and place aforesaid you provide the following:

For failure to attend and provide testimony/said documents, you will be deemed guilty of contempt and liable to penalties under the law.

Dated:
COMMISSIONER _____
Assistant United States Attorney for the
_____ District of _____
Telephone (____) ____-____